

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

ROSALIND HOLMES, : Case No. 1:20-cv-825

: Plaintiff, : Judge Matthew W. McFarland

v. :

GEORGIA PACIFIC, :

Defendant. :

ORDER OVERRULING OBJECTIONS (Docs. 72) AND ADOPTING REPORT AND RECOMMENDATION (Doc. 68)

This action is before the Court on Plaintiff Rosalind Holmes's Motion to File Under Seal and Motion for Reconsideration, filed February 28, 2022 and March 16, 2022 (Docs. 72, 74). First, Plaintiff, in her Motion for Reconsideration (Doc. 74), requests this Court to construe the Motion to File Under Seal (Doc. 72) as her objections to Magistrate Judge Karen L. Litkovitz's Order and Report and Recommendation, filed December 14, 2021 (Doc. 68). For good cause shown, Plaintiff's Motion for Reconsideration is **GRANTED**. This Court shall construe Plaintiff's Motion to File Under Seal (Doc. 74) as her objections to Magistrate Judge Litkovitz's Order and Report and Recommendation (Doc. 68).

Second, Magistrate Judge Litkovitz recommended that Plaintiff's Motion to Reconsider Rule 54(B) Certification Under Rule 59 be denied and Plaintiff's Motion to Set Aside and Motion to Set Aside Under Rule 59 be granted. Plaintiff objected, by way of her Motion to File Under Seal, to Magistrate Judge Litkovitz's Order and Report and

Recommendation, which is ripe for the Court's review.

Plaintiff's objections re-argue that certain filings should be filed under seal. Plaintiff acknowledges in her Motion for Reconsideration (Doc. 74) that her Motion to File Under Seal, being construed as her objections, "is very similar to the initial Emergency Motion to file under Seal (Doc. 43) which Magistrate Litkovitz had already issued a report and recommendation (Doc 68)." (Plaintiff's Motion for Reconsideration, Doc. 74, Pg. ID # 2535.) Magistrate Judge Litkovitz denied Plaintiff's Emergency Motion to File Under Seal (Doc. 43) in her Order Report and Recommendation (Doc. 68) because such motion did not satisfy the Sixth Circuit's standard articulated in *Shane Group, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299 (6th Cir. 2016).

Thus, because Plaintiff's Motion to File Under Seal (Doc. 72) is nearly identical to her Emergency Motion to File Under Seal (Doc. 43), which was recently denied by Magistrate Judge Litkovitz, none of Plaintiff's objections confront the reasoning or conclusions of Magistrate Judge Litkovitz's Report and Recommendation. Plaintiff fails to identify anything specific she believes may be incorrect in Magistrate Judge Litkovitz's findings. See *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). Such nonspecific objections are, in effect, restatements of prior arguments and amount to a failure to object. *Bradley v. United States*, No. 18-1444, 2018 WL 5084806, at *3 (6th Cir. Sept. 17, 2018); *Cole v. Yukins*, 7 F. App'x 354, 356 (6th Cir. 2001).

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon such review, the Court finds that Plaintiff's Objections (Docs. 72) are not well-taken and are accordingly

OVERRULED. In summary, the Court **ADOPTS** the Report and Recommendations (Doc. 68) in its entirety and **ORDERS** the following:

- (1) Plaintiff's Motion for Reconsideration (Doc. 74) is **GRANTED**;
- (2) Plaintiff's Motion to Reconsider Rule 54(B) Certification Under Rule 59 (Doc. 63) is **DENIED**;
- (3) Plaintiff's Motion to Set Aside (Doc. 61) is **GRANTED**; and
- (4) Plaintiff's Motion to Set Aside Under 59(E) (Doc. 64) is **GRANTED**.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND